

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ANGELITO C. MERCADO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:20-cv-02179-JPH-TAB
	)	
AIDA RAMIREZ,	)	
CITY OF COLUMBUS,	)	
MICHAEL RICHARDSON,	)	
	)	
Defendants.	)	

**ENTRY**

Plaintiff Angelito Mercado, proceeding *pro se*, is causing confusion in this case with his filings. Plaintiff admits to his confusion. [Filing No. 135, at ECF p. 1.] By way of this entry, the Court endeavors to eliminate Plaintiff's confusion, keep this case on a proper track, clarify the status of this matter, and address Plaintiff's pending motions.

This entry touches on three cases from this district—the instant case (Case No. 1:20-cv-02179-JPH-TAB), Case No. 1:20-cv-2887-JRS-MJD, and Case No. 1:21-cv-2961-JPH-MG. On April 6, 2021, following a status conference with Plaintiff and defense counsel, the Court consolidated Case No. 1:20-cv-2887-JPH-MJD into the instant case. [Filing No. 50.] As for Case No. 1:21-cv-2961-JPH-MG, Magistrate Judge recommended that the cases be consolidated. [See Filing No. 7 in Case No. 1:21-cv-2961-JPH-MG.]. District Judge Hanlon thereafter adopted (as amended) this recommendation and consolidated the cases under the instant cause number, noting no one objected to Judge Garcia's recommendation. [See Filing No. 8, at ECF p. 2, in that

case.] Judge Hanlon also noted there was a stay in effect in Case No. 1:20-cv-2179-JPH-TAB<sup>1</sup>, but lifted that stay for the sole purpose of requiring Plaintiff to file a second amended complaint by March 3, 2022, which was to encompass the claims asserted against Defendant Aida Ramirez as described in that order, but was not to add new parties or claims. [*Id.*]

As a result of the foregoing, the three cases referenced above were consolidated under the instant cause number (Case No. 1:20-cv-2179-JPH-TAB) and Plaintiff was given leave from the pending stay in this case to amend his complaint in the limited manner directed. Unfortunately, Plaintiff's post-consolidation filings reflect his confusion as to the status of this case and those filings have left the docket similarly amiss.

Specifically, Plaintiff has filed three post-consolidation motions in this case that remain pending.<sup>2</sup> First, on May 2, 2022, Plaintiff filed a motion to withdraw his amended complaint. [Filing No. 133.] Also on this date, Plaintiff filed a motion to dismiss Defendant Aida Ramirez. [Filing No. 134.] Finally, on May 16, 2022, Plaintiff filed another motion to withdraw his amended complaint. [Filing No. 137.] These motions are confusing and fail to take into account the consolidation orders and the stay that are in effect in this case.

As best the Court can tell, Plaintiff wants to remove Defendant Ramirez as a Defendant in this case and keep her as a Defendant in Case No. 1:21-cv-2691-JPH-MG. [Filing Nos. 132, 133, and 135.] But Case No. 1:21-cv-2691-JPH-MG is closed and consolidated into the instant case. Moreover, Plaintiff had an opportunity to object to the magistrate judge's consolidation recommendation in Case No. 1:21-cv-2691-JPH-MG, but did not do so. Moreover, Judge

---

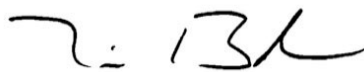
<sup>1</sup> The Court ordered a stay in this case due to the pendency of related criminal charges against Plaintiff. [Filing No. 120.]

<sup>2</sup> Plaintiff also filed two post-consolidation "notices" in Case No. 1:21-cv-02961-JPH-MG. [See Filing Nos. 9, 10, in that case.]

Hanlon lifted the stay in the instant case for the sole purpose of requiring Plaintiff to file a second amended complaint, which was to encompass the claims asserted against Ramirez as described in that order, but was not to add new parties or claims. Instead, Plaintiff filed the previously referenced motion to dismiss, motion to withdraw amended complaint, and a supplemental motion to withdraw amended complaint. [Filing Nos. 133, 134, and 137.] Plaintiff also filed an amended complaint<sup>3</sup> [Filing No. 130], which the Court has deemed the operative complaint in this case. [Filing No. 131]. Defendants filed their answer to that complaint on May 9, 2022. [Filing No. 136.]

Accordingly, to eliminate Plaintiff's confusion, keep this case on track, clarify the status of this matter, and address Plaintiff's pending motions, the Court reiterates that of the three cases referenced in this entry, only the instant case (Case No. 1:20-2179-JPH-TAB) remains open and active. The operative complaint in this case is Filing No. 130. Ramirez remains a Defendant in this case. A stay of this case also remains in effect. [Filing No. 120.] Therefore, Filing Nos. 133, 134, and 137 are denied. Per the stay in effect in this case, the parties shall notify the Court promptly after Plaintiff's criminal complaint is resolved or other developments suggest the stay should be lifted. No other filings are permitted.

Date: 5/24/2022



Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

---

<sup>3</sup> This amended complaint was untimely, having been filed after the March 3, 2022, deadline Judge Hanlon set. Nevertheless, the Court deemed the amended complaint to be timely filed. [Filing No. 129.]

Distribution:

All ECF-registered counsel of record via email

ANGELITO C. MERCADO  
BARTHOLOMEW COUNTY JAIL  
543 2nd Street  
Columbus, IN 47201